

Owens, Mariejr

From: Fawcett, Barbara (DNREC) <Barbara.Fawcett@state.de.us>
Sent: Wednesday, June 06, 2018 9:30 AM
To: Owens, Mariejr
Subject: FW: Shark's Cove Inspection Closure Letter
Attachments: 1975_001.pdf

From: DNREC@state.de.us [mailto:DNREC@state.de.us]
Sent: Wednesday, June 06, 2018 8:51 AM
To: Fawcett, Barbara (DNREC) <Barbara.Fawcett@state.de.us>
Subject: Attached Image

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF WASTE AND
HAZARDOUS SUBSTANCES



SCANNED
TANK MANAGEMENT SECTION
391 LUKENS DRIVE
NEW CASTLE, DE 19720
TELEPHONE: (302) 395-2500
FAX: (302) 395-2555
WWW.DNREC.DELAWARE.GOV/TANKS

May 12, 2015

FILE COPY

Mark Jurist
Dingo, LLC
10641 Piney Island Drive
Bishopville, MD 21813

FACILITY: Sharks Cove Fenwick Island
Route 54
Fenwick Island, DE 19947

Facility ID#: 5-000391
File Code: 02

SUBJECT: Inspection Closure

Dear Mr. Jurist:

The Department of Natural Resources and Environmental Control (the Department), Tank Management Section (TMS) conducted a facility inspection of the UST system at the above referenced location on May 5, 2014. Subsequent to the inspection, specific information was required to be submitted to the Department to determine compliance with 7 Del. C. Chapter 60, 7 Del. C. Chapter 74, 7 DE Admin. Code 1351, the State of Delaware *Regulations Governing Underground Storage Tank Systems* (the UST Regulations), the DE Admin. Code 1124, State of Delaware *Regulations Governing the Control of Volatile Organic Compound Emissions* (the VR Regulations), and DE Admin Code 1102, *Permits*.

The information requested by the Department has been received. Based upon a review of this information, the UST System inspection conducted on May 5, 2014 is now closed, and no further information is required to be submitted at this time.

Be advised that this letter does not absolve Dingo, LLC from responsibility for the correction of other violation(s) which may be discovered by any authorized officer of the Department during future inspections. Dingo, LLC is required to comply with all applicable federal, state and local regulations at all times. Furthermore, proper notification must be submitted to the Department if future plans are made to upgrade the existing system, change the product stored in, temporarily close, or remove or permanently close any tanks currently in use.

Your efforts toward protecting Delaware's environment are greatly appreciated. If you have any questions about your facility or require guidance, please contact me at John.Sunkler@state.de.us or at (302) 395-2500.

Sincerely,

A handwritten signature in cursive script that reads "John Francis Sunkler".
John Francis Sunkler
Environmental Scientist
Tank Management Section

BFK:JFS/tlc
JFS2014-015

Owens, Mariejr

From: Fawcett, Barbara (DNREC) <Barbara.Fawcett@state.de.us>
Sent: Wednesday, June 06, 2018 9:29 AM
To: Owens, Mariejr
Subject: FW: Shark's Cove Request for Information
Attachments: 1974_001.pdf

From: DNREC@state.de.us [mailto:DNREC@state.de.us]
Sent: Wednesday, June 06, 2018 8:51 AM
To: Fawcett, Barbara (DNREC) <Barbara.Fawcett@state.de.us>
Subject: Attached Image

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF WASTE AND
HAZARDOUS SUBSTANCES



TANK MANAGEMENT SECTION
391 LUKENS DRIVE
NEW CASTLE, DE 19720
TELEPHONE: (302) 395-2500
FAX: (302) 395-2555
WWW.DNREC.DELAWARE.GOV/TANKS

May 8, 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7011 2970 0000 4568 6114

Matthew Haley
Dingo, LLC
7 Leeds Way
Rehoboth Beach, DE 19971

FACILITY: Sharks Cove Fenwick Island
Route 54
Fenwick Island, DE 19947

Facility ID#: 5-000391
File Code: 02

SUBJECT: Request for Information

TANKS: One (1) 2,800 gallon Gasoline

FILE COPY

Dear Mr. Haley:

The Department of Natural Resources and Environmental Control (the Department), Tank Management Section (TMS) conducted a compliance inspection of the underground storage tank (UST) system at the above-referenced facility on May 5, 2014.

This facility is required to comply with 7 Del. C. Chapter 60, 7 Del. C. Chapter 74, DE Admin. Code 1351, State of Delaware *Regulations Governing Underground Storage Tank Systems* (the UST Regulations), DE Admin. Code 1124, State of Delaware *Regulations Governing the Control of Volatile Organic Compound Emissions* (the VR Regulations), and DE Admin Code 1102, *Permits*.

As a result of the compliance inspection, the following information must be submitted to determine if the above-referenced facility is in compliance with 7 Del. C. Ch. 60, 7 Del. C. Ch. 74, the UST Regulations, the VR Regulations, and *Permits*.

1. The UST Regulations: Part A, Sec.4.3.1, Registration Certificate

The Department shall issue a validated Registration Certificate for each UST Facility upon initial registration or notification of Change In Service or change in ownership. The Owner and Operator of the UST Facility must display a current and valid Registration Certificate on the premises of the UST Facility at all times. The Registration Certificate shall be made available for inspection upon request by any authorized local, state or federal representative.

Observation:

At the time of the Department's compliance inspection, the registration certificate was not available for inspection.

Information Requested:

Delaware's good nature depends on you!

May 08, 2014

Page 2

Within thirty (30) days of receipt of this letter, submit proof that the registration certificate is posted at the facility. (Enclosed)

2. The UST Regulations: Part A, Sec.10.1.7, Requirements for Class A, Class B, and Class C Operators

10.1.7: A Facility shall not operate after August 8, 2012 unless a Class A, Class B, and Class C has been designated for each UST System and Class A & Class B Operators have successfully completed a Department approved training program and Class C Operators have been trained in accordance with §10.1.12. of this Part.

Observation:

At the time of the Department's compliance inspection, proof of operator training for Class A, B, and C operators was not available for review.

Information Requested:

Within thirty (30) days of receipt of this letter, submit proof that Department approved training has been completed by the Class A and Class B operators for this facility.

3. The UST Regulations: Part B, Sec.2.9.1, General Requirements for Tank Release Detection

2.9.1.1: Owners and Operators of UST Systems shall provide a method, or combination of methods of Release Detection on all UST Systems that:

2.9.1.1.1: Can detect a Release from any portion of the Tank and the connected underground Piping that routinely contain Regulated Substance; and

2.9.1.1.2: Is installed, calibrated, operated, and maintained in accordance with the manufacturer's specifications, including routine maintenance and service checks for operability or running condition; and

2.9.1.1.3: Meets the performance standards for Release Detection in this section, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. The method shall be capable of detecting the leak rate or quantity specified for Precision Testing, automatic tank gauging, Line leak detectors, and Line tightness testing methods specified in these Regulations with a probability of detection of at least 0.95 and a probability of false alarm no greater than 0.05; and

2.9.1.1.4: Is operational prior to Regulated Substance being placed in the UST System.

2.9.1.2: Owners and Operators shall implement the Indicated Release investigation procedure in Part E of these Regulations if the Release Detection equipment or method shows indication of a Release.

2.9.1.3: Failure by Owners and Operators to maintain records of required Release Detection monitoring and inspection may be cause for the Department to require Tank tightness test(s) and inspection(s) of the UST Facility and a Release investigation in accordance with Part E of these Regulations at the expense of Owners and Operators.

Observation:

At the time of the Department's compliance inspection, annual Precision Tank Tightness testing results were not available for review

Information Requested:

Within thirty (30) days of receipt of this letter, submit results from annual Tank Tightness testing performed within the last twelve (12) months.

4. The UST Regulations: Part B, Sec.2.15.1, UST Piping Design Requirements for UST Systems Storing Regulated Substance excluding Consumptive Use Heating Fuel or Hazardous Substance

2.15.1: Underground Piping shall be protected from corrosion in accordance with accepted corrosion engineering practices and shall be designed, constructed, installed and tested in accordance with the following industry standards, as applicable:

2.15.1.1: NFPA 30, Flammable and Combustible Liquids Code.

2.15.1.2: NFPA 30A, Motor Fuel Dispensing Facilities and Repair Garages.

2.15.1.3: NFPA 329, Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases.

2.15.1.4: API RP 1632, Cathodic Protection of Underground Petroleum Storage Tanks.

2.15.1.5: NACE RP 0169, Control of External Corrosion on Underground or Submerged Metallic Piping Systems.

2.15.1.6: UL 971, Standard for Nonmetallic Underground Piping for Flammable Liquids.

2.15.1.7: UL 567, Standard for Emergency Breakaway Fittings, Swivel Connectors and Pipe-Connection Fittings for Petroleum Products and LP-Gas.

2.15.1.8: PEI RP 100, Recommended Practices for Installation of Underground Liquid Storage Systems.

Observation:

At the time of the Department's compliance inspection, flex connectors were corroded/damaged and not cathodically protected.

Information Requested:

Within thirty (30) days of receipt of this letter, submit photographic and document proof that they flex connectors have been replaced and cathodically protected.

5. The UST Regulations: Part B, Sec.2.20.1, Line Leak Detector Requirements

2.20.1.1: Underground Piping that conveys Regulated Substances under pressure shall be equipped with an automatic Line leak detector.

2.20.1.2: The automatic Line leak detector shall alert Owners and Operators to the presence of a Release by restricting or shutting off the flow of the Regulated Substance through the Piping or triggering an audible or visual alarm.

2.20.1.3: Mechanical and Electronic automatic Line leak detectors shall be capable of reacting to leaks of three (3) gallons per hour at ten (10) pounds per square inch line pressure within one (1)

hour.

2.20.1.4: Owners and Operators shall conduct an annual test of the operation of the automatic Line leak detector while installed in the UST System and under normal operating conditions. All Mechanical and Electronic automatic Line leak detectors shall pass a function test at least once every twelve (12) months at three (3) gallons per hour (gph) at ten (10) pounds per square inch line pressure within one (1) hour.

Observation:

At the time of the Department's compliance inspection, the annual Line Leak Detector functionality test results were not available for review.

Information Requested:

Within thirty (30) days of receipt of this letter, please submit proof of passing annual Line Leak Detector functionality test results performed within the last twelve (12) months.

6. The UST Regulations: Part B, Sec.2.20.2, Tightness Test Requirements

2.20.2.1: Owners and Operators shall conduct an annual tightness test of the entire pressurized underground Piping system, including primary and secondary Piping, in accordance with NFPA 329, Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases.

2.20.2.2: Owners and Operators of UST Systems with underground pressurized Piping systems shall use a Piping tightness test method designed to detect a Release from any portion of the underground Piping system that routinely contains Regulated Substances.

2.20.2.3: Owners and Operators of UST Systems with underground pressurized Piping systems constructed of double wall design may utilize interstitial monitoring systems to comply with the annual piping tightness test requirements in §2.20.2.1 of this Part if the following requirements are met:

2.20.2.3.1: All interstitial monitoring devices shall be designed, constructed, installed and maintained to continuously detect a Release from any portion of the Piping that routinely contains Regulated Substance; and

2.20.2.3.2: At a minimum of once every thirty (30) calendar days, Owners and Operators shall provide proof via the interstitial monitoring equipment record that the interstitial monitoring device is functioning in accordance with the manufacturer's specifications; and

2.20.2.3.3: Owners and Operators shall maintain records of the interstitial Release Detection records for the life of the UST System; and

2.20.2.3.4: All sump and interstitial sensors shall comply with the testing and monitoring requirements of §2.28. of this Part; and

2.20.2.3.5: All Containment Sumps shall comply with the testing and monitoring requirements of §2.26. of this Part.

Observation:

At the time of the Department's compliance inspection, the release detection records for the UST piping were not available for review.

May 08, 2014

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Information Requested:

Within thirty (30) days of receipt of this letter, please submit passing Tightness Test results performed within the last twelve (12) months for the UST piping for the one (1) UST on site.

7. The UST Regulations: Part B, Sec.2.22.4, Spill Prevention Requirements for UST Systems Storing Regulated Substance excluding Consumptive Use Heating Fuel or Hazardous Substance

2.22.4: Owners and Operators shall immediately remove water, Regulated Substance or debris that accumulates in the spill containment device. Owners and Operators shall maintain spill containment devices to be capable of containing a spill of the containment design capacity at all times.

Observation:

At the time of the Department's compliance inspection, the spill containment devices on the 2,800 gallon Plus Gasoline UST contained water.

Information Requested:

Within thirty (30) days of receipt of this letter, submit photographic proof that the spill containment devices have been emptied and the contents properly disposed.

8. The UST Regulations: Part B, Sec.2.22.6, Spill Prevention Requirements for UST Systems Storing Regulated Substance excluding Consumptive Use Heating Fuel or Hazardous Substance

2.22.6: Owners and Operators shall test spill containment devices once every twelve (12) months for tightness, or in accordance with the manufacturer's specifications, or when deemed necessary by the Department to determine if a threat to human health, safety or the environment exists.

Observation:

At the time of the Department's compliance inspection, spill containment device testing results were not available for review.

Information Requested:

Within thirty (30) days of receipt of this letter, submit the results of spill containment device testing conducted within the past twelve (12) months.

9. The UST Regulations: Part B, Sec.2.24.1, Fill Line Protection Requirements for UST Systems Storing Regulated Substance excluding Consumptive Use Heating Fuel or Hazardous Substance

2.24.1.1: A label or permanent tag at the fill connection which states the size of the UST and the specific type of Regulated Substance stored; and

2.24.1: Owners and Operators shall clearly mark all fill lines for UST Systems to indicate the size of the Tank and the type of Regulated Substance stored. These markings shall be as follows:

2.24.1.2: A color symbol system shall be implemented according to the following requirements:

2.24.1.2.1: Fill and vapor recovery covers shall be marked consistent with API RP 1637, Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Service

Stations and Distribution Terminals or API IP 1542, Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuel Equipment; and

2.24.1.2.2: A different color symbol shall be used for each type of Regulated Substance or grade of substance being stored at the Facility.

Observation:

At the time of the Department's compliance inspection, the 2,800 gallon Plus Gasoline UST was not labeled with its product and capacity.

Information Requested:

Within thirty (30) days of receipt of this letter, submit proof that the 2,800 gallon Plus Gasoline UST is labeled with its product and capacity.

10. The UST Regulations: Part B, Sec.2.32.1, Routine Inspection for UST Systems Storing Regulated Substance excluding Consumptive Use Heating Fuel or Hazardous Substance

2.32.1: Owners and Operators shall conduct an inspection at an interval no less frequently than once every twenty-eight (28) to thirty-one (31) calendar days to monitor the condition of the UST System including but not limited to all dispensers, dispenser sumps, access ports, spill containment devices, sumps and Containment Sumps. The routine inspection shall at a minimum include the following:

2.32.1.1: The removal of all dispenser covers and visual inspection for any evidence of a Release of a Regulated Substance and inspection of all fittings, couplings and filters; and

2.32.1.2: The removal of all Containment Sump and sump covers and visual inspection of the sump for any evidence of a Release of a Regulated Substance or intrusion of water; and

2.32.1.3: The inspection of all access ports to make sure that the covers, caps and adaptors are tightly sealed; and

2.32.1.4: The removal of all spill containment device covers and inspection to ensure all spill containment devices are empty and free of debris, water or Regulated Substance.

2.32.1.4: The removal of all spill containment device covers and inspection to ensure all spill containment devices are empty and free of debris, water or Regulated Substance.

Observation:

At the time of the Department's compliance inspection, routine inspection records were not available for review.

Information Requested:

Within thirty (30) days of receipt of this letter, submit proof that routine inspections are being implemented utilizing the 30 Day Routine Walk-Around Guidance Form. (Enclosed)

11. The UST Regulations: Part F, Sec.1.3, Amount and Scope of Financial Responsibility

1.3.1: Per-Occurrence Financial Responsibility Amounts

1.3.1.1: Owners and Operators of UST Systems shall demonstrate financial responsibility for taking corrective action and for compensating third parties for Bodily Injury and Property Damage caused by Accidental Releases from the operation of UST Systems in at least the following per-occurrence amounts:

1.3.1.1.1: For Owners or Operators of UST Systems that are located at Petroleum Marketing Facilities, or that handle an average of more than 10,000 gallons of Regulated Substance per month based on annual throughput for the previous calendar year, the demonstration of financial responsibility for corrective action and third-party liability shall be a minimum of one million dollars (\$1,000,000) per Occurrence.

1.3.1.1.2: For Owners and Operators of Hazardous Substance UST Systems the demonstration of financial responsibility for corrective action and third-party liability shall be a minimum of one million dollars (\$1,000,000) per Occurrence.

1.3.1.1.3: For Owners and Operators of UST Systems not described in §1.3.1.1.1. or §1.3.1.1.2. of this Part the demonstration of financial responsibility for corrective action and third-party liability shall be a minimum of five hundred thousand dollars (\$500,000) per Occurrence.

1.3.2: Annual Aggregate Financial Responsibility Amounts

1.3.2.1: Owners and Operators of UST Systems shall demonstrate financial responsibility for taking corrective action and for compensating third parties for Bodily Injury and Property Damage caused by Accidental Releases from the operation of UST Systems in at least the following annual aggregate amounts:

1.3.2.1.1: For Owners and Operators of 1 to 100 UST Systems the demonstration of financial responsibility for corrective action and third-party liability shall be a minimum of one million dollars (\$1,000,000) annual aggregate.

1.3.2.1.2: For Owners and Operators of 101 or more UST Systems the demonstration of financial responsibility for corrective action and third-party liability shall be a minimum of two million dollars (\$2,000,000) annual aggregate.

Observation:

At the time of the Department's compliance inspection, proof of financial responsibility was not available for review.

Information Requested:

Within thirty (30) day of receipt of this letter, submit proof of Financial Responsibility, ensuring

that the proper templates are utilized.

12. The VR Regulations: 1124: Sec.26.3.1, Standards

26.3.1: The owner or operator of any stationary storage tank that is subject to the requirements of 26.0 of this regulation shall:

26.3.1.1: Load the stationary gasoline storage tank or tanks by submerged fill using a drop tube that extends to within 150 mm (5.9 in.) from the bottom of the tank.

26.3.1.2: Design, install, operate, and maintain a Stage I Vapor Recovery System that operates such that the vapors displaced by the liquid gasoline are returned to the delivery vessel and transported back to the bulk plant or terminal.

26.3.1.2.1: All hoses in the Stage I Vapor Recovery system shall be properly connected.

26.3.1.2.2: All vapor lines, couplers, and adapters used in the gasoline delivery shall be vaportight.

26.3.1.2.3: All adapters and couplers that attach to any vapor line on the storage vessel shall have closures that seal upon disconnect.

26.3.1.2.4: Reserved.

26.3.1.2.5: All Stage I systems shall utilize dual point vapor connections to return vapors from the storage tank to the delivery truck.

Observation:

At the time of the Department's compliance inspection, the Vapor Recovery dry-break on the 2,800 gallon Plus Gasoline UST was not sealing properly and releasing vapors. The Vapor Recovery Stage I Dry Break lid was not marked in accordance with API Color-Symbol System. The Pressure-Vacuum, PV, valve appeared damaged.

Information Requested:

Within thirty (30) days of receipt of this letter, submit photographic and document proof that the Vapor Recovery dry-break on the 2,800 gallon Plus Gasoline UST has been replaced and is sealing properly. Submit photographic proof that the lid on the Vapor Recovery Stage I Dry Break has been marked orange in accordance with API Color-Symbol System. Submit photographic and document proof that the Pressure-Vacuum, PV, valve has been replaced.

The Department requires that the owner submit the requested information within the specified time periods. Prior to commencement of upgrade, removal, closure in place, or new installation, proper notification must be submitted to the Department pursuant to the provisions of Part A, Sections 4.1., 4.5., 4.6. and 4.7., and 4.8. of the UST Regulations. A State of Delaware-certified contractor must be used to perform any of the above-listed activities.

In accordance with *Permits*, Section 6.2, "the Department may suspend or revoke an operating permit for violation of any permit condition or violation of this or any other applicable rule or regulation of the Department or any law administered by the Department and may take such action as it deems necessary."

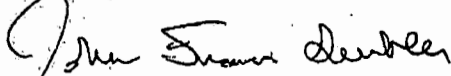
May 08, 2014

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Should the owner refuse to submit the requested information and refuse to comply with Ch. 60, Ch. 74, the UST Regulations, the VR Regulations, and *Permits* within the specified time periods, the Department may find it necessary to take enforcement actions to ensure compliance. Pursuant to 7 Del. C., §7411, Dingo, LLC may be liable for civil penalties up to \$25,000.00 for each day that the citations continue. Additionally, the Department may prohibit delivery of petroleum products to the UST systems pursuant to Part A, Section 9. of the UST Regulations.

If you have any questions, please contact me at John.Sunkler@state.de.us or (302) 395-2500.

Sincerely,



John Francis Sunkler
Environmental Scientist
Tank Management Section

BFK:JFS/sbk
JFS2014-036

pc: Rebecca Keyser, DNREC-TMS
Mark Jurist, Sharks Cove Marina
Enclosures



State of Delaware

Department of Natural Resources & Environmental Control
Division of Air & Waste Management, Tank Management Branch

Office (302) 395-2500 Fax (302) 395-2555

Underground Storage Tank Facility Registration Certificate

Facility # **5-000391**

Issue Date **May 2014**

Sharks Cove Fenwick Island

This certifies that

Facility has been duly registered with the State of Delaware. This certificate will renew upon payment of annual tank registration fees. New Certificates will be issued only upon tank removal, installation, change in service, or change in facility name or ownership. **This Certificate MUST BE POSTED at the Facility.**

Facility Name & Address:

Sharks Cove Fenwick Island
Route 54
Fenwick Island DE 19947

Owner Name & Address:

Dingo, LLC
7 Leeds Way
Rehoboth Beach DE 19971

TankID
2

Capacity
2800

Compartment / Substance
(2800) Gasoline

Status
In Service

Stage I Permit # **APC-99/0152.Oil**

Stage II Permit #
CARB Executive Order #


Program Manager, Tank Management Branch



Department of Natural Resources
and Environmental Control
Tank Management Section
391 Lukens Drive
New Castle, DE 19720
302-395-2500 (phone)
302-395-2555 (fax)
www.dnrec.delaware.gov/Tanks/

30 Day Routine Walk-Around Inspection Guidance
All routine inspection records must be kept for a minimum of three (3) years.

Facility Name: _____

Facility ID #: _____

Date	Dispenser Covers	Containment Sumps	Access Ports	Spill Bucket

The Department of Natural Resources and Environmental Control, Tank Management Section (DNREC-TMS) has developed this guidance sheet to assist tank owners, operators and contractors in complying with the UST Regulations Part B, Sections 1.31. and 2.32., Part C, Sections 1.28. and 2.29., and Part D, Section 1.29., Routine Inspection for UST Systems Storing Regulated Substance.

Owners and operators must conduct an inspection once during each calendar month to monitor the condition of all dispensers, dispenser sumps, access ports and containment sumps. The routine inspection shall at a minimum include the following:

Remove dispenser covers and check: all fittings, couplings, filters and for indication of release of regulated substance; and

Remove containment sump covers and check for indication of release of regulated substance; and

Inspect all access ports to ensure that covers, caps and adaptors are tightly sealed; and

Remove all spill containment device covers and ensure all are empty and free of debris, water and regulated substance.

If a problem was noted during the 30-day Walk-Around Inspection, document ALL problems & measures to correct the problem on the next page of this form.

If at any time during a routine inspection evidence of a release of regulated substance is discovered owners and operators must contact the Tank Management Section at (302) 395-2500.

Problems Identified During 30-Day Walk-Around Inspection

Owens, Mariejr

From: Fawcett, Barbara (DNREC) <Barbara.Fawcett@state.de.us>
Sent: Wednesday, June 06, 2018 9:28 AM
To: Owens, Mariejr
Subject: FW: Shark's Cove Inspection Report
Attachments: 1973_001.pdf

Marie,

Our last inspection was in 2014. The report is attached. I will send our RFI and closure letter as well – separately.

Barbara A. Fawcett

Environmental Program Manager II
Delaware DNREC-Tank Management Section
391 Lukens Drive, New Castle, DE 19720
Phone 302.395.2500 | Fax 302.395.2555 | Barbara.Fawcett@state.de.us
Integrity, Respect, Customer Focus, Openness, & Quality

From: DNREC@state.de.us [mailto:DNREC@state.de.us]
Sent: Wednesday, June 06, 2018 8:50 AM
To: Fawcett, Barbara (DNREC) <Barbara.Fawcett@state.de.us>
Subject: Attached Image

INSPECTION REPORT

FC 02

Facility : Sharks Cove Fenwick Island , 57 Madison Ave , Fenwick Island , DE

Inspection Date: 05/05/2014

Facility Name: Sharks Cove Fenwick Island

Address: 57 Madison Ave

Facility ID: 5-000391

Fenwick Island , DE

Owner Name: Dingo, LLC

Owner Address: 10641 Piney Island Drive,
Bishopville, MD 21813 US

Owner Phone:

Inspection Date: 05/05/2014

Inspector: JFS

Comment:

Tank - 2 : Gasoline- Midgrade (2800)

Question	Response	Comment
Tank-Sump		
Are containment sumps installed?	NO	
Tank Sump empty?	N/A	
Contents - Water?	N/A	
Contents - Product?	N/A	
Contents - Debris?	N/A	
Contents - Other?	N/A	
Does tank sump have sensor?	N/A	
Is sump sensor properly installed?	N/A	
Does tank have LLD if required?	YES	
Is LLD Electronic or mechanical?	MECH	
Are swing joints installed?	NO	

Tank-Fill/Spill		
Fill line size labeled?	NO	
Fill line product labeled?	NO	
Has overfill protection?	YES	
Is overfill protection compatible with delivery type?	YES	
Is spill bucket installed?	YES	
Does spill bucket have sensor?	NO	

INSPECTION REPORT

Facility : Sharks Cove Fenwick Island , 57 Madison Ave , Fenwick Island , DE

Inspection Date: 05/05/2014

Tank - 2 : Gasoline- Midgrade (2800)

Question	Response	Comment
Is spill bucket in good condition?	YES	
Is spill bucket empty?	NO	

Tank-Corrosion Protection		
Corrosion protection required?	NO	
Corrosion Protection installed?	N/A	
If CP installed, functioning properly?	N/A	
Are Flex joints isolated or Corrosion Protected?	NO	
Is there a CP test station?	NO	

Tank-Vapor Recovery (Stage 1)		
Does Tank have Stage 1 Vapor Recovery?	YES	
Stage I Dry Break installed?	YES	
Does it have VR Spill Containment?	YES	
Does it have VR Swivel?	YES	
Is dry break tight?	NO	
VR manhole cover painted orange?	NO	

Dispensers

Question	Response	Comment
Vapor Recovery		
Is Stage I VR required?	YES	
Is Stage I VR permit on site?	YES	
Is Stage II VR required?	NO	
Stage II VR type?	N/A	
Is Stage II VR permit on site?	N/A	
All Stage II VR equipment in good condition?	N/A	

INSPECTION REPORT

Facility : Sharks Cove Fenwick Island , 57 Madison Ave , Fenwick Island , DE

Inspection Date: 05/05/2014

Dispensers

Question	Response	Comment
All Boots in good condition?	N/A	
All Vapor shear valves properly installed?	N/A	
All Vapor shear valves in good condition?	N/A	
VR operating instructions and 800# posted?	N/A	
Vapor Recovery Annual Testing in Compliance?	N/A	
Vapor Recovery Training Certificate on site?	N/A	
Daily VR Inspection checklist complete?	N/A	
VR maintenance logs available and complete?	N/A	
Are vents manifolded above ground?	NO	
Are vents in good condition?	YES	
P/V valves where required ?	NO	
Set at 3 and 8 where required ?	YES	

Dispenser-Hanging Hardware		
Are dispensers present?	YES	
All Break-aways in good condition?	YES	
All Product Hoses in good condition?	YES	

Dispenser-Sump		
Are dispensers present?	YES	
Are product shear valves properly installed?	YES	
All product shear valves in good condition?	YES	
Do any dispensers have contained sump?	NO	
Do any dispenser sumps have sensors?	N/A	
Are all dispenser sump sensors installed properly?	N/A	
Are Dispenser Sumps empty?	N/A	
Contents - Water	N/A	
Contents - Product	N/A	
Contents - Debris	N/A	
Contents - Other	N/A	

INSPECTION REPORT

Facility : Sharks Cove Fenwick Island , 57 Madison Ave , Fenwick Island , DE

Inspection Date: 05/05/2014

Dispensers

Question	Response	Comment
Rubber hose under any dispenser ?	NO	
Are Flex joints isolated or Corrosion Protected?	NO	

Record Keeping

Question	Response	Comment
Record Keeping-Release Detection		
Does tank have ATG?	NO	
ATG Functionality/ Operability Test passed every 12 months?	N/A	
Tank Release Detection in Compliance?	NO	
Pressurized Piping Release Detection in Compliance?	NO	
Is suction piping "safe" and not subject to release detection?	N/A	
Suction Piping Release Detection in Compliance?	N/A	
Is LLD annual testing in compliance?	NO	

Record Keeping-Corrosion Protection/Tests		
Are Testing Records stored on site?	YES	
Are all sumps in compliance for tightness testing?	N/A	
Are all spill buckets in compliance for tightness testing?	NO	
Do any tanks have linings?	NO	
If yes, are Lining Internal Inspection records on site?	N/A	
Is Internal Lining in compliance?	N/A	
Do any tanks or pipes have Cathodic Protection?	YES	
SA CP Annual Survey records on site?	N/A	
SA CP Annual Survey passed?	N/A	
IC CP Annual Survey records on site?	N/A	
IC CP Annual Survey passed?	N/A	
ICCP 30-day Rectifier Log complete?	N/A	

INSPECTION REPORT

Facility : Sharks Cove Fenwick Island , 57 Madison Ave , Fenwick Island , DE

Inspection Date: 05/05/2014

Record Keeping

Question	Response	Comment
Record Keeping-Financial Responsibility/Registration		
Registration Certification posted on site?	NO	
30-day walk around inspection checklist?	NO	
Is FR required?	YES	
Is Financial Responsibility in compliance?	NO	
A/B Operator Training Certificate available?	NO	
C Operator Training List available?	NO	

Record Keeping-Inventory		
Is Inventory required?	YES	
Are inventory records maintained?	NO	
Daily inventory control correctly done?	YES	
If Daily Inventory logged, Water Check (D/W/N)?	D	
Water Check frequency correct?	YES	
Monthly Reconciliation correctly done?	YES	

Owens, Mariejr

From: Owens, Mariejr
Sent: Wednesday, June 06, 2018 8:38 AM
To: Fawcett, Barbara (DNREC)
Cc: Owens, Mariejr
Subject: Sharks Cove Marina (5000391)

I've been assigned the follow up to the EPA inspection at Sharks Cove Marina. Can I please get a copy of the last DNREC inspection of this facility?

Thanks
Marie

Owens, Mariejr

From: Steven Himmelfarb <steven@himmelco.com>
Sent: Tuesday, July 03, 2018 3:04 PM
To: Owens, Mariejr
Cc: 'Sunkler, John F. (DNREC)'; captainmarkj@gmail.com; Mohammad@himmelco.com
Subject: RE: Sharks Cove Marina

Importance: High

Hi Ms. Owens,

Thank you for the call this afternoon and the note describing the current issues. I've additionally copied Mark Jurist on this note and my colleague Mohammad Shiravand. To clarify, roles, I am the trustee of the trust that is the 100% owner of Dingo, LLC the property owner of the subject property. Our tenant is Sharks Cove Marina, owned/operated by Mark Jurist. Dingo LLC is the owner of the UST. Sharks Cove is the sole operator of the fuel dispensing operations and is additionally responsible for all routine inspections, maintenance, and further is owner of all underground and above ground lines and dispensing pumps. Simply said, the landlord owns the tank, but everything associated with dispensing or infrastructure that is upstream of the tank belongs to the tenant.

In my role as trustee of the landlord entity, we are committed our property being compliant with applicable regulations. By copying Mark Jurist on this note I ask that he respond to the questions below directly to you and cc both me and Mohammad Shiravand as he is equipped to best answer in his role as operator and tenant.

My cell is 917.541.7483 and my colleague Mohammad Shiravand's cell is 408.663.8740. We are committed to assist in getting you the information you need to make sure the property is being operated within applicable regulations.

Wishing you a great 4th and looking forward towards satisfaction of open items.

Steve

Steven Himmelfarb
Himmelfarb Commercial, Inc.
202.595.9700 (p)

From: Owens, Mariejr <Owens.Mariejr@epa.gov>
Sent: Tuesday, July 3, 2018 2:35 PM
To: steven@himmelco.com
Cc: Owens, Mariejr <Owens.Mariejr@epa.gov>; Sunkler, John F. (DNREC) <John.Sunkler@state.de.us>
Subject: Sharks Cove Marina

Mr. Himmelfarb,

It was nice speaking with you this afternoon. I don't believe I have an email address for Mr. Mark Jurist, Sharks Cove Marina. If you have an email address for Mr. Jurist, please respond to this email as soon as possible with his email address so I can forward this email to him as well.

Below is a list of issues which remain outstanding with regard to EPA's underground storage tank (UST) August 28, 2017 inspection. Please respond to this email no later than **Thursday, July 12, 2018** with the necessary information.

1. Delaware Regulations Governing Underground Storage Tanks (DRGUST) require line leak detector (LLD) testing annually at DRGUST Part B 1.07. Based on the inspection and subsequent information submitted by Mr. Jurist, it appears that the Facility failed to perform line leak detector testing from June 9, 2015 through March 8, 2018.
 - a. State yes or no, has the line leak detector associated with the UST been tested any time between June 9, 2015 and March 8, 2018.
 - b. If yes, provide copies of all line leak detector testing performed between June 9, 2015 and March 8, 2018.
 - c. If no, explain.
2. DRGUST require line tightness testing (LTT) annually at DRGUST Part B 1.07. Based on the inspection and subsequent information submitted by Mr. Jurist, it appears that the Facility failed to perform line tightness testing from June 9, 2015 through March 8, 2018.
 - a. State yes or no, has the line leak detector associated with the UST been tested any time between June 9, 2015 and March 8, 2018.
 - b. If yes, provide copies of all line leak detector testing performed between June 9, 2015 and March 8, 2018.
 - c. If no, explain.
3. DRGUSTS Part F requires owners and operators maintain financial responsibility on underground storage tanks. To date, EPA has not received a copy of any documentation of compliance with the UST financial responsibility requirements.
 - a. State yes or no, has there been a method of financial responsibility on the UST located at the facility pursuant to DRGUSTS Part F from January 2015 through the present?
 - b. If yes, provide a copy of the insurance certificates and any enclosures.
 - c. If no, explain.
4. DRGUSTS requires owners/operators of USTs ensure the correct contact information is available to the Delaware Department of Natural Resources.
 - a. Provide a copy of the updated UST registration provided to DNREC to update owner contact information.

If you have any questions or need additional information, please contact me via email or at 215-814-3384 (FYI...I will be off the remainder of this week).

From: Owens, Mariejr
Sent: Tuesday, July 03, 2018 2:35 PM
To: 'steven@himmelco.com'
Cc: Owens, Mariejr; Sunkier, John F. (DNREC)
Subject: Sharks Cove Marina

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